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10/31/21

Trina Mezzacappa, Plaintiff Lehigh County Jail ^{Inmate #0205245} ~~name~~

v. ^{Defendants}
 (1) Dr. Debra Wilson, (2) Nurse Shurkla, Neeru, (3) C.O. Cruz,
 (4) C.O. John Doe, (5) Primecare Medical, (6) Intake Nurse Jane Doe

I am an inmate who was transferred from Monroe County Jail to Lehigh County Jail on 10/8/21. I am filing this federal lawsuit for violations of my 8th amendment rights under cruel & unusual punishment and Deliberate Indifference to my medical condition. Named Defendants work ^{at} Primecare Medical 3940 Locust Lane, Harrisburg, PA 17109 and Lehigh County Jail, 38 N. 4th St, Allentown, PA 18102.

I make the following allegations, pursuant to penalties of Perjury under the law.

8th Amendment Violations

1. I am serving a sentence of 14 days to 12 months on a probation violation in C-48-CR-2873-2019. I have been in 5 jails in 5 months. During my medical intake, I informed the nurse of my following serious medical problems: 10/8/21

A. GERD, Barrett Esophagus, TMJ, Compression/protrusion at vertebrae C5, C6, C7, L5/S1, muscle spasms, joint pain, Back & neck pain and sinusitis/migraine headaches.

B. I told intake nurse that I had suffered a violent assault while in jail, and that the neck injuries were confirmed on xray. Several blows ~~to~~ to head, jaw & neck left permanent injury on or about 8/21/21. →

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C. I explained that Barrett Esophagus & GERD were diagnosed by my Gastroenterologist on 11/4/20 in outpatient surgery with recommended annual EGD surgery to monitor progress toward malignancy, and changes in dysplasia in my throat.

D. I explained that I was prescribed proton pump inhibitors Prepid & later protonix, but had to discontinue both due to severe, acute side effects, that caused excruciating abdominal pain.

E. I explained that I have managed this condition by taking both Tums and Motrin prior to meals, and that it was effective, 100%.

F. I explained that due to a workplace accident in 2019, my L5/S1 compression and protrusion was successfully treated by a physician who prescribed Motrin 600mg, Three times daily as needed for pain. The success in pain control avoided surgery.

G. I explained that my former cellmate was Hepatitis C+ and spit in my face numerous times. I requested a Hepatitis C test. She said Dr. Wilson would need to order the test.

H. I gave her the list of medication that I was currently prescribed at Monroe County Jail which included Motrin 400mg twice daily and Malox 30^{ml} orally twice daily, Antivert 25mg at night.

2. I was subsequently transferred to units 4C2, 4C1, then 4D 28 after COVID quarantine measures were completed.

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3. On or about 10/11/21, I was given Tums after meals when it is not effective and antacid at night. I asked nurse Shurkla Neeru to please correct the dosage times so that Tums are given prior to meals when they are effective. I also asked for Motrin but she refused to give it.
4. From the period of 10/11/21 to present, I asked Nurse Shurkla Neeru numerous times to correct the dosage times so I could take Tums prior to meals. She acknowledged this but never followed through. She continued to refuse to give me any Motrin.
5. From the period of 10/11/21 to present, other nurses allowed me to take the evening dose of Tums into my cell so that I could take it the next morning prior to breakfast, so it was effective; all except Nurse Shurkla Neeru.
6. From the period of 10/11/21 to present Nurse Shurkla refused to allow me to take Tums prior to meals, refused to enter into the medication administration record what I had requested, and instead falsified documentation that I refused to take Tums, for approx 20 doses.
7. From the period of 10/8/21 to present, no medication for pain was prescribed or administered.
8. From the period of 10/11/21 to present I filed approximately 18 medical slip requests regarding the Tums administration times, and the lack of Motrin, the adverse symptoms I was having, the need for outpatient EGD surgery and the Hepatitis C test.

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9. of the approximately 18 medical slips I filed seeking medical attention, 17 were ignored. one was returned with a remark "referred to Doctor."
10. on 10/18/21 I filed a grievance which spoke of the Tums administration times, and the lack of motrin for symptoms of Barrett Esophagus, and excruciating back & neck pain. I received no follow up, and no motrin for pain control.
11. on 10/25/21 I was told to meet with Dr. Deborah Wilson in the Hall outside our unit, in the presence of corrections officers in the bubble. Dr. Wilson's demeanor was enraged, unprofessional and aggressive in full retaliation for filing a grievance.
12. Just as I was trying to explain my medical needs for Tums prior to meals and Motrin which was prescribed and taken at Monroe County Jail (also a PrimeCare provider) Dr. Wilson cut me off, raised her voice, endangered & belittled me in front of others, and ultimately refused to prescribe any Motrin, or Tums prior to meals.
13. Dr. Wilson continued her aggressive and argumentative tone of voice, cut me off when I told her Tylenol is ineffective for my pain & causes severe abdominal discomfort, and insisted on prescribing both Tylenol & Protonix which I told her & the intake nurse were contradicted due to side effects.
14. When I tried to explain the interactions and testing that was administered by my GI doctor, I was again cut off mid sentence by Dr. Wilson who continued to berate me in the hallway.

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15. Finally, I became exasperated and left the hallway after less than 3 minutes of Dr. Wilson's deliberate indifference to my medical condition. I uttered under my breath "Stupid & incompetent" as I returned to my cell.
16. On same day 10/25, Corrections officer Cruz came to my cell, shouted at me in front of several inmates "You messed up your stomach by taking Motrin, now deal with it" and handed me a 24 hour lock down letter which could not be appealed.
17. On this day 10/25, I sent a ^{third} ~~second~~ letter directed to the Medical Director at Primecare Medical in Harrisburg, PA describing the problems I was having with the refusal to prescribe motrin and the Tums given after meals, (instead of before.) I received no response.
18. From 10/25/21 to present, I continued to send medical slips describing my symptoms of jaw pain, difficulty swallowing & digesting food, back and neck pain rated at 10, and the need for EGD outpatient surgery, Hepatitis C testing, motrin & tums. I received no responses.
19. On 10/31/21, I again asked Nurse Shukla Neera to allow me to take Tums prior to meals for severe & acute indigestion, but she refused, became combative, and forced me to spit out the medication because I would not stand in front of the med cart while chewing & swallowing the Tums. I have much difficulty chewing because of TAJ and a violent assault where I was punched in the jaw.

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20. right after this humiliation & mistreatment from Nurse Shukla Weera, I was shouted at and embarrassed by C.O. John Doe who refused to give his name. When I presented yet another medical slip indicating that I was going to file a Federal Lawsuit for Deliberate indifference to my medical condition, The slip was collected by C.O. John Doe who then immediately gave me a 24 hour lock down for not following medical protocols.
21. On at least 18 medical slips I sent to the medical Department and 2 grievances filed with the jail, I indicated that I have been taking Motrin for 35 years to deal with pain, Barrett's Esophagus, (originally diagnosed at age 15) TMJ (inflammation of the jaw tendons) GERD, sinusitis, and generalized pain. I received no pain control and no relief. Tylenols continued to be prescribed after meals when it was not effective.
22. Protonix was refused by me because of severe prior side effects, but it continues to be prescribed by Dr. Wilson after meals when it is ineffective.
23. I received no information about my outpatient surgical procedure EGD which is due in November of 2021, after repeated written & oral requests.
24. I have not been tested for Hepatitis C.
25. I have continued to be treated in a rude and discourteous manner by Nurse Shukla Weera, despite all other nurses and the Director of Nursing treating me with decency. All other nurses and the DON allowed me to take Tylenols ~~before meals~~ before meals when it is effective.

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26. From 10/11/21 to present I explained that Barrett Esophagus causes burning & Swelling of the Throat due to excess Stomach acid rising into My Throat. I told this to Nurse Neeru, Dr. Wilson & C.O. Cruz, and PrimeCare Medical (in my letters sent)

27. From 10/11/21 to present I explained that ^{due to} lack of medication Motrin & Tums, the burning in my throat has caused Swelling which is severe, and makes Swallowing very painful, and at times impossible.

27. From 10/11/21 to Present, I included these complaints on my sick call slips and told them that I had lost 17 pounds since incarceration due to lack of Treatment, difficulty Chewing, Swallowing and Digesting. I reiterated and repeated that my weight has dropped drastically from 131 pounds to 114 pounds and I was experiencing excruciating pain in throat, neck, back & abdomen, including migraine headaches.

28. From 10/11/21, despite numerous sick slips, 2 grievances and a total of 3 letters to PrimeCare Medical Headquarters in Harrisburg, I have received no response. I requested a liquid diet because I am unable to Chew, Swallow & Digest Food.

29. My request for a liquid diet also received no response from 10/22/21 to present.

30. On numerous occasions, Nurse Neeru falsified charting that I refused to take Tums, when I continually asked that it be administered prior to meals for effective control of Stomach Acid.

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31. The retaliatory actions of Dr. Deborah Wilson were done with malice and Deliberate Indifference to my Medical condition as retribution for filing grievances, and letters to Primecare in Harrisburg.
32. The 3 letters sent to Primecare in Harrisburg were dated July 2021, October 18, 2021 and October 25, 2021. They were informed that lack of care for my condition resulted in a 17 pound weight loss in 4 months. I received no response.

II Negligence on Behalf of Primecare Medical ^{Monell} ~~MANA~~ Claim

33. Paragraphs 1-32 are incorporated.
34. By letter dated September 17, 2021, signed by Colleen Ehresman, Assistant Corporate Counsel and Director of Risk Mgmt, She refused to provide me a copy of the Primecare Policy & Procedure Manual for Prisoner medical care that I made in a PA Right To Know Law request in early August 2021.
35. After research conducted in the Lexis Nexos Law Library, I discovered that Primecare Medical has been named in over 1,000 inmate Lawsuits, with Dr. Deborah Wilson named in over 50 filed since 2013.
36. Primecare Medical has a disturbing history of Serial litigation in the Federal Courts due to their policies of placing profit over safety for all incarcerated persons.

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37. In all three letters I sent to Primecare Medical in Harrisburgh, I stated specifically that I wanted to settle this ~~dispute~~ dispute without filing a Federal Lawsuit.
38. After the first letter sent in late June or Early July 2021 while I was an inmate at Monroe County Jail, I expressed identical concerns as I did in the letters I sent in October regarding Lehigh County Jail. After the first letter, the P.A. at Monroe County Jail prescribed Motrin 400mg twice daily after I had been there for 2 months without pain control.
39. The Motrin prescribed at Monroe County Jail could have, and should have, also been prescribed at Lehigh County Jail. The lack of continuity or replacement, has left me in a weak, gaunt state, suffering from pain & starvation on a daily basis.
40. My weight at 114 lbs is severely below the norms for a person at 5ft. 5 inches. Primecare's lack of intervention only exacerbates my serious condition.
41. Primecare's pattern ~~of~~ and history of negligent inmate care resulted in at least 6 inmate deaths:
 - A. 8/17/11 Tyquann E. McLeod died at LCJ
 - B. 10/20/11 David Campbell died at LCJ
 - C. 11/12/12 Andrew Czonska died LCJ
 - D. 1/5/2012 Travis Magditch died at LCJ
 - E. 2/27/13 alphonse Herrera died at LCJ
 - F. 1/16/14 Frank Reichl-Pritchard died at LCJ

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43. As a result of the preceding paragraphs 1-42, I have suffered pain, difficulty swallowing and chewing, severe indigestion, swelling of the throat, back/neck muscle spasms, nausea & vomiting, lack of sustenance, jaw pain and weight loss of 17 pounds in 4 months.
44. Due to the intentional and ^{Malicious} ~~Heinous~~ acts by Dr. Deborah Wilson, Nurse Neeru, Primecare Medical, C.O Cruz, C.O. John Doe, and inpatient nurse Jane Doe, I have suffered embarrassment, humiliation, sleeplessness, anxiety, stress, worrying about my EGD due in November, worrying about exposure to Hepatitis C, severe weightloss and all other problems identified in paragraph 43.
45. I am seeking damages in excess of \$100,000 which could be compensatory, special and/or punitive.

The statements made are verified, true and correct to the best of my knowledge and belief, and made pursuant to penalties of Perjury.

Sincerely -

Date: 10/31/21

Tricia Mezzacappa # 0205245

Tricia Mezzacappa

Lehigh County Jail

38 N. 4th St.

Allentown, PA 18042

NAME: Tricia Mezzacappa #0205 245
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38 NORTH 4TH STREET
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